

Application No. 09/675,155

Attorney Ref. 19046.0001

REMARKS

This communication is in response to the Non-Final Office Action reopening prosecution. Claims 1-14, 16-18, 20-33, 35-37, 39-52, 54-56, and 58-72 are pending in this application. The applicants have canceled claim 15, 19, 34, 38, 53, and 57. The applicants have also amended claims 1-3, 9, 13, 16-18, 20, 21, 28, 32, 35-37, 39-41, 47, 51, 54-56, and 58-72 merely for the purpose of clarifying the scope of the claimed invention. Applicants submit that the application is in condition for allowance. Reconsideration and allowance in view of the following is respectfully requested.

A. Rejection under 35 U.S.C. 102

Independent claims 1 and 20 and dependent claims 2-6, and 8-12, 14, 19, 21-25, 27-31, and 33-38 have been rejected under 35 U.S.C. 102 as being anticipated by Hekmatpour et al. (U.S. Pat. No. 5,720,007). This rejection is respectfully traversed.

The Applicants respectfully submit that there are fundamental differences between the claimed invention and the cited prior art. Amended claims 1, 20, and 39 recite, *inter alia*, (i) identifying employer business information requirements for respective user job functions; (ii) creating a profile specifically for a user defining the user's job function; (iii) determining personalized business information to provide to the user based on the created profile and the employer's business information requirements for the user's job function; and (iv) providing the personalized business information to the user. For example, the present invention provides personalized business information for employees of a business entity. The personalized business information required to perform each job function of the business entity is identified. A profile is created for each employee defining a job function of the employee. The present invention determines what personalized business information to provide to each employee based on each employee's profile and the business entity's requirements for each employee's job function.

These claimed features of Applicants' invention are not shown or even suggested by Hekmatpour et al. Specifically, Hekmatpour et al. merely discloses a system for providing

Application No. 09/675,155

Attorney Ref. 19046.0001

employees with a training and qualification process. A training and qualification process is directed to all aspects of an environment beyond an employee's usual activities and concerns in that environment. In addition, the training and qualification process provided to the employee is based on the skill or experience level of the employee in that environment as defined in a profile for the employee.

The first fundamental difference between the claimed invention and the cited prior art is that there is no identification of an employer's business information requirements for respective employee job functions. In Hekmatpour et al., information is provided for an overall environment. In the claimed invention, the identification of an employer's business information requirements for respective user job functions categorizes specific and discrete job functions and associates various business information with each category as deemed required by the employer. The identification of information based on an environment, as in Hekmatpour et al., does not do this. It merely provides the information as it pertains to an environment in general. Thus, Hekmatpour et al. fails to disclose the first limitation as recited in amended claims 1, 20, and 39.

The second fundamental difference between the claimed invention and the cited prior art is that a profile is not created that defines an employee's job function. In Hekmatpour et al., a profile is created based on user expertise levels, tasks and procedures that a user is certified for and work experience histories. In the claimed invention, a profile is created that defines the employee's job function. The information included in the profile of Hekmatpour et al. does not define a job function, nor is its purpose to define the job function of an employee. The profile in Hekmatpour is purely for the purpose of specifying levels of skill in relation to a position. This is quite different than for the purpose of defining an employee's job function. Thus, Hekmatpour et al. fails to disclose the second limitation as recited in amended claims 1, 20, and 39.

The last fundamental difference between the claimed invention and the cited prior art is that there is no determination of what personalized business information to provide to the user based on the created profile and the employer's business information requirements. In Hekmatpour et al. information is provided based on an employee experience level as

Application No. 09/675,155

Attorney Ref. 19046.0001

specified in a profile for the employee. The information is not provided based on the employee's profile defining a job function for the employee. Additionally, Hekmatpour et al. does not consider an employer's business information requirements for the employee's job function. Thus, Hekmatpour et al. fails to disclose the third limitation as recited in amended claims 1, 20, and 39.

As discussed above, Hekmatpour et al. merely discloses a system for providing employees with a training and qualification process. A training and qualification process is directed to all aspects of an environment beyond an employee's usual activities and concerns in that environment. In addition, the training and qualification process is provided to the employee based on skill or experience level as defined in a profile for the employee. The claimed invention, in contrast, provides a system that focuses information provided to an employee based on the employee's job function as defined by an employer's requirements for the job function, and an employee's profile defining the employee's job function. Accordingly, Hekmatpour et al. does not anticipate the claimed invention recited by claims 1, 20 and 39.

Claims 2-6, and 8-12, 14-25, 27-31, and 33-38 depend from claims 1, 20 and 39 respectively. Accordingly, Hekmatpour et al. fails to disclose or suggest all of the claim elements recited in claims 2-6, and 8-12, 14-25, 27-31, and 33-38 for at least the reasons specified above with respect to claims 1, 20 and 39.

B. Rejections under 35 U.S.C. 103

Dependent claims 7 and 26 have been rejected under 35 U.S.C. 103 as being obvious over Hekmatpour et al. in view of Hollingsworth (U.S. Pat. No. 6,157,808). This rejection is respectfully traversed.

Claims 7 and 26 depend from claims 1 and 20 respectively. As discussed above, Hekmatpour et al. fails to disclose or suggest all of the claim elements recited in claims 1 and 20. Hollingsworth does not cure the deficiencies of Hekmatpour et al. with respect to claims 1 and 20. Hollingsworth discloses an employee based system that provides management of

Application No. 09/675,155

Attorney Ref. 19046.0001

training and performance improvement. The system of Hollingsworth defines jobs including duties, tasks and skills associated with each job. Employees are pre-assigned to jobs. The system of Hollingsworth provides training and performance processes to employees based on the pre-assigned jobs. Hollingsworth does not provide the identification of an employer's business information requirements base on a user's job function, create a profile that defines an employee's job function, or determine what personalized business information to provide to the user based on the created profile and the employer's business information requirements. Thus, Hollingsworth fails to disclose the elements as recited in amended claims 1, 20, and 39.

Further, there is no motivation or suggestion to combine the references in the manner proposed by the examiner. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings (MPEP §706.02(j)). Neither Hekmatpour et al. or Hollingsworth provides any suggestion or motivation to combine the cited references in the manner proposed by the examiner.

Assuming that Hekmatpour et al. and Hollingsworth may be combined in the manner proposed by the Examiner, the combination would merely result in (i) Hekmatpour's providing information to a user for an environment/job and employing a profile to determine what experience level the information for the environment/job should be provided; and (ii) Hollingsworth's defining an environment/job including duties, task and skills associated with each environment/job. Thus, the proposed combination of references is therefore deficient regarding the claimed subject matter. Additionally, as discussed above Hekmatpour's focus is to provide all information for an environment and not for respective job functions. In the absence of any motivation or suggestion to combine the references, and in the absence of any hint or suggestion in the combined references to disclose all of the claim limitations, Hekmatpour et al. and Hollingsworth fail to provide even a *prima facie* basis for determining obviousness of the elements and operations as now recited in each of claims 1, 20 and 39.

Claims 39-50 and 52-72 have been rejected under 35 U.S.C. 103 as being obvious

Application No. 09/675,155

Attorney Ref. 19046.0001

over Linton in view of Hekmatpour et al. This rejection is respectfully traversed.

Linton does not teach the limitations as recited in amended claim 39 for reasons discussed in amendments filed on February 23, 2003 and March 17, 2003. Hekmatpour does not cure the deficiencies of Linton for the reasons discussed above with respect to the rejection of claims 1 and 20 as anticipated by Hekmatpour. Claims 40-50 and 52-72 depend from claims 1, 20 and 39 respectively. Accordingly, claims 40-50 and 52-72 are not obvious or anticipated for at least the reasons specified above with respect to claims 1, 20 and 39.

C. Conclusion

For the foregoing reasons, reconsideration and allowance of the pending claims is requested. If the Examiner has any questions about this Amendment and to facilitate prosecution, the Examiner is encouraged to call the undersigned attorney. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 referencing 19046.0001.

Respectfully submitted,

Swidler Berlin Shereff Friedman, LLP

Dated: November 21, 2003

By:

Chadwick A. Jackson
Registration No. 46,495

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500